

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA, :  
 :  
v. : Case No. 1:11cr217 (TSE)  
 :  
JOSE CIRO JUAREZ-SANTAMARIA, :  
 :  
Defendant. :

**MEMORANDUM IN SUPPORT OF THE**  
**DEFENDANT'S MOTION FOR LEAVE TO FILE**  
**ADDITIONAL MOTIONS, OUT OF TIME**

COMES NOW the defendant, JOSE CIRO JUAREZ-SANTAMARIA (hereinafter, Mr. Juarez), by counsel, and submits this, his Memorandum in support of his Defendant's Motion for Leave to File Additional Motions, Out of Time, and as his grounds for that Motion he states as follows:

Arraignment in this case was held on May 20, 2011, at which time this case was scheduled for trial on July 26, 2011, within the time frame of a speedy trial. Motions were ordered to be filed by June 10, 2011, with a hearing on any such motions scheduled for July 1, 2011. A standard discovery order was then entered in this case.

The potential evidence in this case includes a recording of an alleged confession by the defendant, although the defendant asserts that the alleged confession was prompted by improper actions by the government. The defendant, who speaks little English and reads none, also asserts that he was not properly Mirandized prior to being questioned. The difficulty is that the recording of the interrogation(s) is of poor quality. The government has provided counsel for Mr. Juarez with two (2) copies of the

recording, one on a CD disc and one on a DVD disc. Neither disc is fully audible, and on both discs the defendant's statements in Spanish are virtually inaudible. Counsel is still attempting to find a way, technically, to enhance the quality of the discs and obtain an accurate translation of the noises on the discs. Depending upon the success of those efforts, counsel may need to file a motion to suppress, but filing such a motion at this time would be premature.

Counsel has, as yet, been unable to fully engage in discovery, and is not yet aware of what motions he may be required to file in this case. Therefore, his motion for leave to file additional motions, out of time, is critical in allowing him to adequately prepare his client's defense. Denying the motion will effectively eliminate any possibility for counsel to file any substantive defense motions, or provide adequate and effective representation to his client.

## CONCLUSION

For the reasons set forth above, Mr. Juarez’s motion for leave to file additional motions, out of time, should be granted, and he respectfully requests that the proposed Order submitted in this matter with his Motion be entered by the Court.

Respectfully submitted,

JOSE CIRO JUAREZ-SANTAMARIA

By: /s/  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of June, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to at least the following registered ECF user:

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